

Lodging a Material Change of Use Development Application

Things you should know



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Applicants should note

The requirements of the *Integrated Planning Act* and Council's Planning Scheme are complex and, as such, Council encourages all applicants to seek the advice and services of a consulting professional in a particular profession relevant to your application such as a town planning consultant, civil engineer or landscape architect when preparing any development application.

As development applications require formal consideration by Council, applicants are required to illustrate how the proposed development complies with the acceptable solutions of the applicable Development Codes of the Gold Coast Planning Scheme. Any areas of non-compliance are to be accompanied by a merits-based argument as to how the proposal complies with the applicable performance criteria.

Introduction

What is a development?

Development is an action that affects the physical environment including:

- making a Material Change of Use of premises
- Reconfiguring a Lot
- carrying out Operational Works
- carrying out building work
- carrying out plumbing and drainage

All developments are subject to a level of development assessability.

What are the levels of development assessability?

The *Integrated Planning Act 1997* (IPA) recognises the following three levels of development assessability:

EXEMPT An application is not required and the proposal is not required to comply with any codes or standards.

SELF ASSESSABLE An application is not required but the proposal must comply with any applicable codes or standards relevant to the development (e.g. development standards in a transitional planning scheme, codes in an IPA planning scheme such as the Gold Coast Planning Scheme, or a State code such as the Prostitution Code or Fisheries Code).

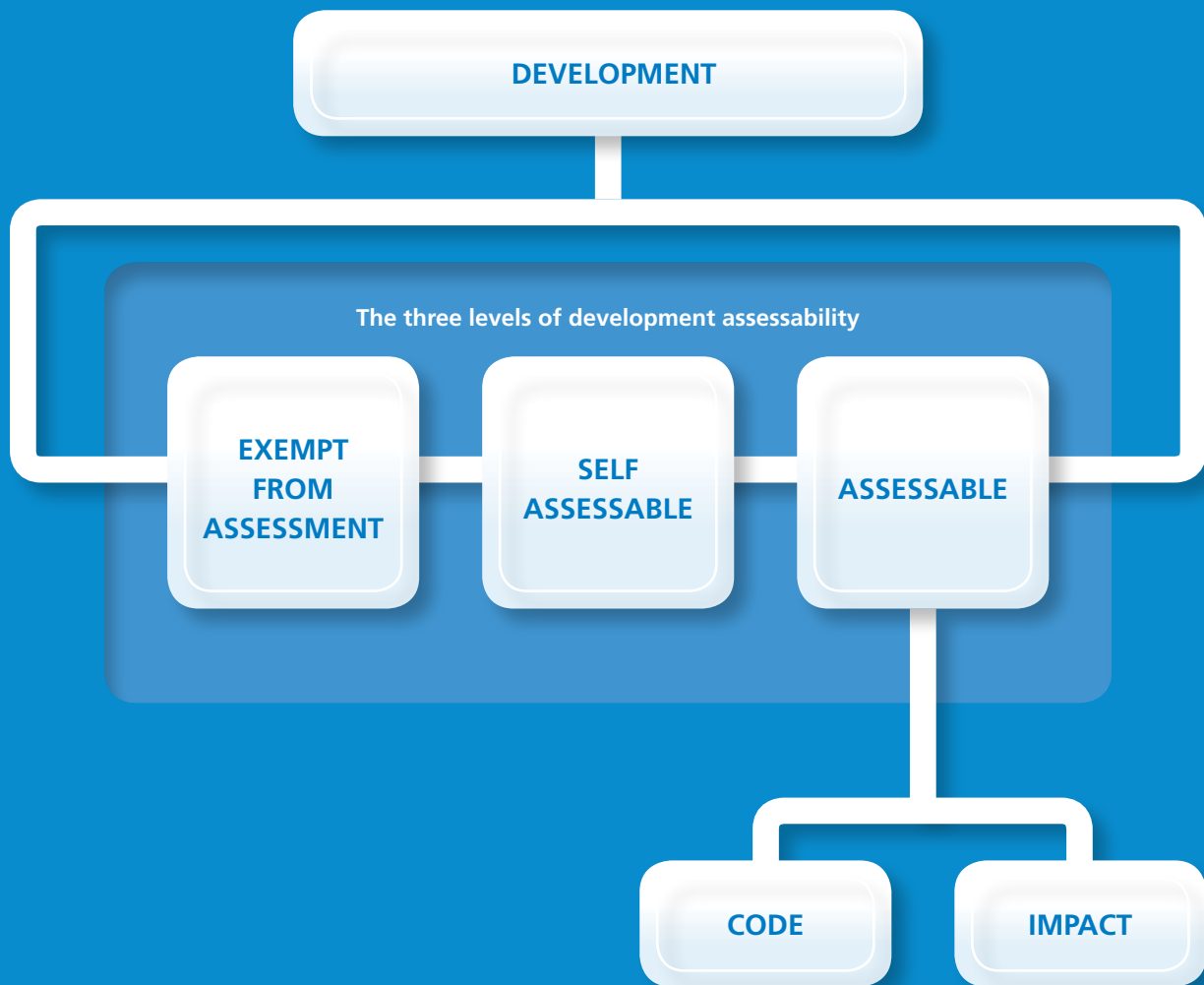
ASSESSABLE An application is required and a development permit must be obtained prior to undertaking any new work or use. Assessable development may be either code or impact assessable.

Code assessment is referred to as a bounded assessment, i.e. the application is assessable against identified 'applicable codes' only. If the application complies with the code the application must be approved. However, the application may also be approved if it does not comply with the code, if there are sufficient grounds to justify the decision having regard to the purpose of the code, any applicable State Planning Policy and if applicable, the South East Queensland Regional Plan, and as long as the decision does not compromise the achievement of the desired environmental outcomes for the Gold Coast or local government's Planning Scheme.

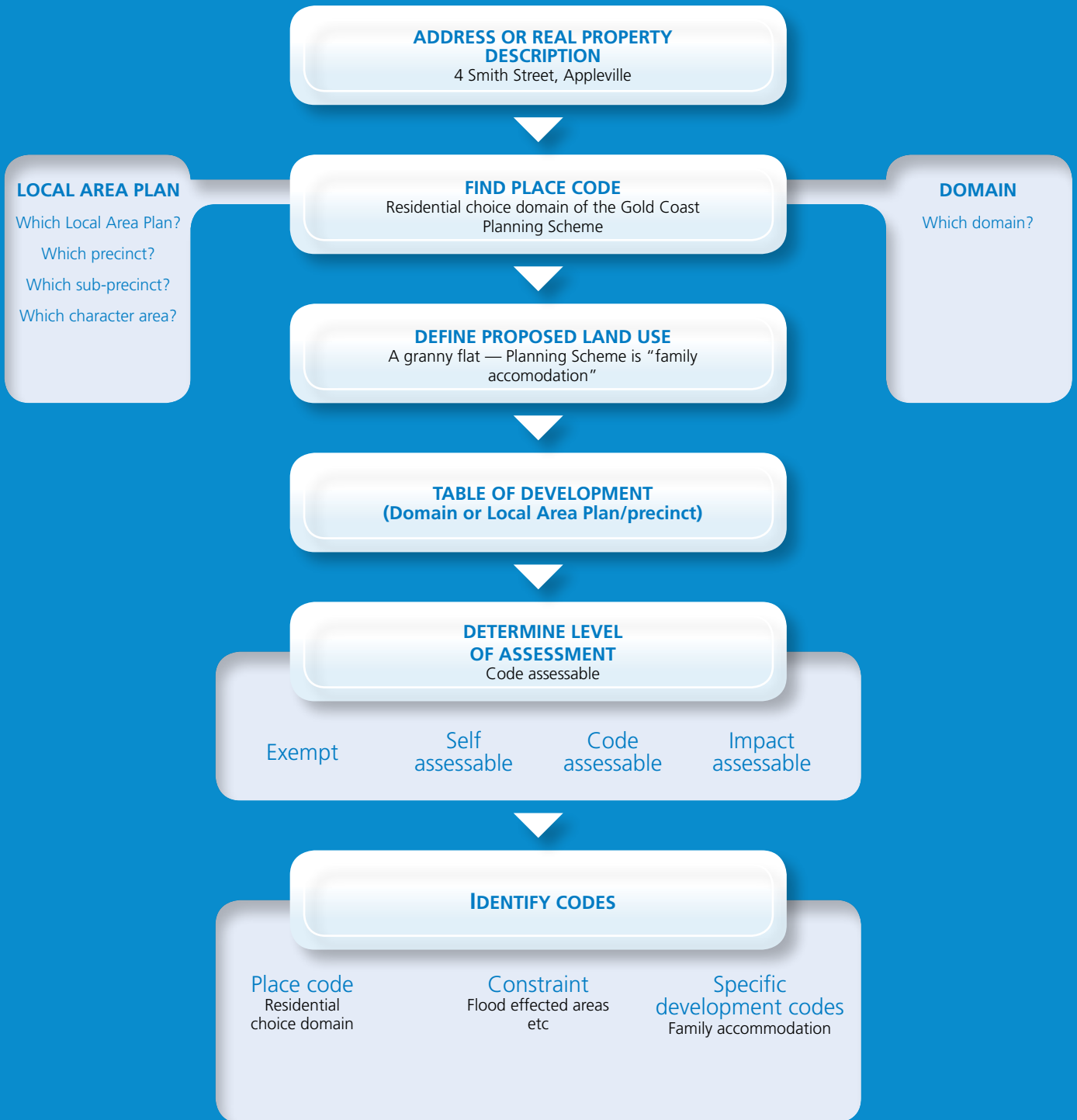
Impact assessment is a broad assessment of the environmental effects of the development having regard to a range of matters such as the local government's Planning Scheme, applicable codes, the South East Queensland Regional Plan and any relevant State Planning Policies. An impact assessable application must be publicly notified, including notification of adjoining land owners and a newspaper notice, and any person or group who lodges a Properly Made submission about the application accrues third party appeal rights through the Planning and Environment Court about the decision to approve the application.

Source IDAS Implementation Notes – Note 1 Overview of IDAS

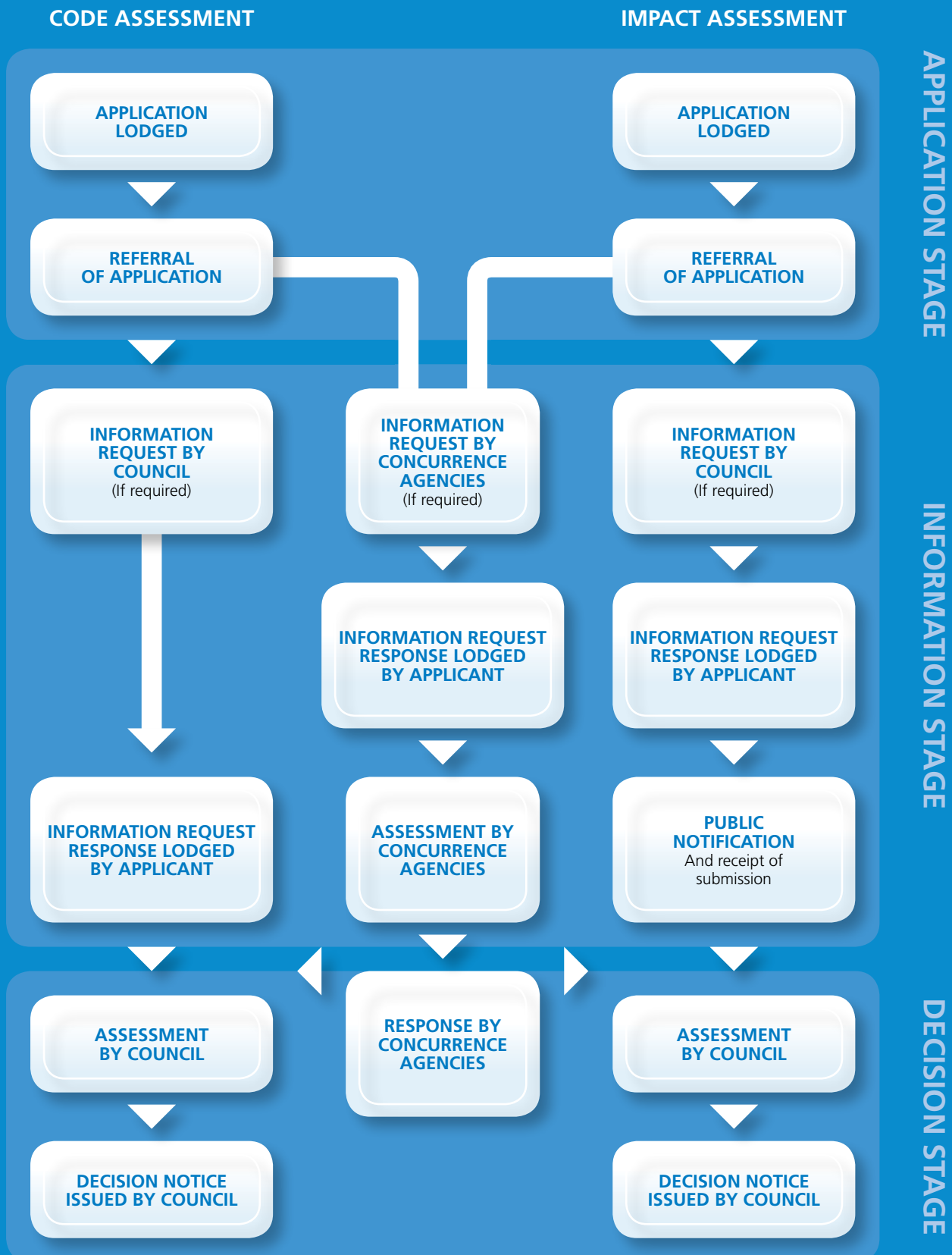
Levels of assessability



What is the level of assessment relevant to my application?



What are the Integrated Development Assessment System assessment processes for code and impact assessment?



Source IDAS Implementation Notes – Note 1 Overview of IDAS

What is the *Integrated Planning Act*?

The *Integrated Planning Act 1997*, commonly referred to as IPA, forms the foundation of Queensland's planning and development assessment legislation. The *Integrated Planning Act* is administered by the Queensland Government and may be accessed online at ipa.qld.gov.au

The purpose of IPA is to balance community well being, economic development and the protection of the natural environment by providing a framework for managing growth and change within Queensland.

The main elements of this framework include:

- one system for all development related assessments by local and State governments
- *Local Government Planning Schemes* as the main instrument for planning and development assessment
- State Planning Policies
- regional planning
- infrastructure planning
- private certification

What is the *Integrated Development Assessment System (IDAS)*?

The *Integrated Development Assessment System (IDAS)* is the step-by-step process for lodging, assessing and deciding development applications in Queensland.

What is an *IDAS referral agency*?

An *IDAS referral agency* is usually a State Government agency. There are two types of referral agencies: concurrence and advice. A concurrence agency may direct the outcome of an application while an advice agency may only provide advice to the assessment manager about the outcome of the application. The applicant will be advised by Council in the Acknowledgement Notice issued of any referral agencies triggered by the application.

What is the *Gold Coast Planning Scheme*?

The *Planning Scheme* is a living document that will guide the growth and development of 'Our Living City', the City of the Gold Coast.

How was the *Gold Coast Planning Scheme developed*?

The *Planning Scheme* was developed by Council in accordance with the *Integrated Planning Act* and commenced on 18 August 2003.

Who does the *Gold Coast Planning Scheme* apply to?

The *Scheme* is relevant to you – whether you are renovating a house, developing a subdivision or industrial site, or interested in protecting our city's natural environment.

How can I access the *Gold Coast Planning Scheme*?

The *Planning Scheme* is available online at goldcoastcity.com.au/gcplanningscheme_new. The *Planning Scheme* is also available for viewing at any of Council's libraries or Customer Services Centres at Nerang, Surfers Paradise, Beenleigh and Coolangatta.

What does Council require?

Development applications lodged with Council must be Properly Made and Well Made to enable Council to commence assessment of the application.

However in addition to a Properly Made and Well Made application, Council may still ask the applicant for further information needed to assess the application during *Integrated Planning Act's* Information and Referral Stage.

What is a *Properly Made development application*?

In accordance with IPA s3.2.1(7), an application is a Properly Made application if:

- the application is made to the assessment manager, in this instance Gold Coast City Council
- the application is made on the approved IPA form(s) including the current version of these forms
- the mandatory requirements part of the approved form(s) is correctly completed (e.g. Part A owner's consent must be provided)
- the application is accompanied by the fee for administering the application

What is a Well Made development application?

In accordance with Gold Coast City Council's policies, a development application is a well made application if:

- the application is made on the approved Council form(s)
- the mandatory requirements part of the approved form(s) is correctly completed
- applicable supporting documents and plans submitted
- the correct number of copies of the application are lodged

Tracking progress of a development assessment

Applicants can track the progress of their development application assessments online. 'Planning and Development Online - development application tracking' is available on Council's website at goldcoastcity.com.au/pdonline. This system allows customers to plan and co-ordinate their development processes by supplying information about the status of a development application and other property-related information.

Customers can view, print and track the progress of development applications, from lodgement through to determination. They can identify the status of an application and see what tasks are undertaken as part of the assessment process, along with viewing associated forms, plans and submissions. It also provides basic property information about every property within Council's jurisdiction.

All development applications and associated documents lodged with Council before 1st July 2006 are not available for viewing online. In addition, no building applications or associated documents are available for viewing online.

Material Change of Use

What is a Material Change of Use of premises?

In accordance with the *Integrated Planning Act s1.3.5* Material Change of Use of premises means:

Generally:

- the start of a new use of the premises
- the re-establishment on the premises of a use that has been abandoned
- a material change in the intensity or scale of the use of the premises

For administering the Integrated Development Assessment System under the *Environmental Protection Act 1994* for environmentally relevant activities (other than for a mining activity, a petroleum activity or a mobile and temporary environmentally relevant activity):

- the start of a new environmentally relevant activity on the premises
- an increase in the threshold of an environmentally relevant activity on the premises
- the re-establishment on the premises of an environmentally relevant activity that has been abandoned
- a material change in the intensity or scale of an environmentally relevant activity on the premises

The continuation of an environmentally relevant activity on the premises if:

- an approval for the activity ceases to have effect because of the operation of the *Environmental Protection Act 1994*, section 619(2)(e) or 624(2)(b);4
- there is no development approval for the activity and it was, at any time before 4 October 2004, carried out without an environmental authority as required under the *Environmental Protection Act 1994.5*

Defined land use

An applicant must ensure that the correct and defined land use has been applied for as detailed in Part 4, Definitions Division 1, Dictionary of Terms used in the Planning Scheme, Chapters 1-3, available on Council's website goldcoastcity.com.au/gcplanningscheme_new or from Council's Customer Service Centres or Town Planning Centre, Nerang Administration Centre.

What is the level of assessment?

Applicants must refer to the appropriate Table of Development applicable to the Domain or Local Area Plan of the subject site. The Table of Development will determine the level of assessment required. Please refer to the Gold Coast Planning Scheme available at goldcoastcity.com.au/gcplanningscheme_new or from Council's Customer Service Centres or Town Planning Centre, Nerang Administration Centre.



Integrated Planning Act's Properly Made requirements

A development application must be deemed Properly Made in accordance with requirement s3.2.1(7) of the *Integrated Planning Act 1997* and if it is not Properly Made, Council cannot legally continue to assess the application. To be Properly Made, a development application must meet the following criteria.

Integrated Planning Act Forms

The application is Properly Made if it is made on the approved IPA forms:

- Form 1 Development Application Part A Common Details
- Form 1 Development Application Part D Material Change of Use
- Form 1 Development Application IDAS Assessment Checklist

Forms are available from

- Queensland Government IPA website ipa.qld.gov.au/idas/idasformsdevform1.asp#PartsN
- Council's website goldcoastcity.com.au
- Council's Customer Service Centres
- Council's Town Planning Centre, Nerang Administration Centre

Correct versions

If the incorrect IPA forms or versions of these forms are lodged, the application will be deemed to be Not Properly Made.

Correct versions of forms may be confirmed:

- online at Queensland Government IPA website ipa.qld.gov.au/idas/idasformsdevform1.asp#PartsN
- by phoning Council's Planning Assessment Enquiry Line on 07 5582 8866 and select the option to listen to the pre-recorded message

Correct Fees

The application is Properly Made if it is accompanied by the appropriate prescribed fee. The fees for Material Change of Use are detailed in Council's Regulatory Fees and Non-Regulatory Charges, available online at Council's website goldcoastcity.com.au or from Council's Customer Service Centres. If the applicant cannot settle his or her account at the time of lodgement, the application will not be accepted.

Owner's consent

An application is Properly Made if the mandatory requirements part of the approved form is correctly completed.

Owner's consent is a mandatory requirement of Form 1 Development Application Part A Common Details. The term of "owner" of land is defined in Schedule 10 of the *Integrated Planning Act* to mean:

"The person for the time being entitled to receive the rent for the land or would be entitled to receive the rent for it if it is let to a tenant at a rent."

Schedule 10 of the *Integrated Planning Act* further defines "land" to include: "Any estate in, on, over or under land...."

Therefore in most instances, the registered property owner is the owner of the land for the purposes of the *Integrated Planning Act* and must provide owner's consent to the making of the application. If the application is over a number of lots, the owner/s of all lots of the subject of the application must consent to making of the application.

Applicants are to provide owner's consent as follows:

Property ownership

If there are multiple owners of a single lot, the consent of each owner of the lot is required (e.g. four persons owning one lot requires a signature from each of the four owners).

Corporation / company

Where the owner is identified as a corporation, the following is required:

- the ACN number accompanied with one of the three below:
 - the names, titles and signatures of two (2) directors of the company
 - the name, title and signature of a director and the company secretary
 - where the company has only one (1) director, the name and signature of that director in conjunction with written indication that the company has only one (1) director (i.e. sole director)

Body Corporate

Where the owner is identified as a Body Corporate, the following is required:

- Body Corporate Seal and
- Body Corporate resolution consenting to the proposal (i.e. minutes of meeting where proposal was adopted) and
- two (2) signatures, one of which must be the chairperson

or

- Body Corporate Seal and
- a letter of consent signed by the chairperson and secretary

or

- signed letter of consent from each lot owner covered by the Body Corporate

Other ownership arrangements

If the land is:

- leased – the lessors of the land must give owner's consent
- dedicated parkland – the owner or the trustee, within the terms of the trust or reserve, must give owner's consent

! Applicants should note

If a change of ownership of the land has occurred in the last six (6) months the Titles Office may be yet to advise Council of the change of ownership. It is recommended that the provision of an official legal document advising the transfer date is attached to the application, ie solicitor's letter or title documentation.

A **Power of Attorney** has the authority to consent on behalf of the owner. In this instance the following information is required:

- a certified copy of the Power of Attorney and
- each page of the Power of Attorney must be certified to the effect that the copy is a true and complete copy of the corresponding page of the original and
- the last page must be certified to the effect that the copy is a true and complete copy of the original

or

- the relevant signature(s) and
- dealing numbers where appropriate

Gold Coast City Council's Well Made requirements

Council has adopted a Well Made application process that requires applicants to supply further details to give a more comprehensive appraisal of the development in terms of Council's Planning Scheme. A Well Made application, whilst complying with the mandatory minimum standards prescribed by the *Integrated Planning Act 1997*, must provide additional information. This process allows council officers to determine the application in an efficient manner, which may save time for the applicant and reduce Council's decision making period.

A surcharge of 50% of the standard application fee will be applied to all applications determined to be 'Not Well Made' and this fee must be settled if the assessment is to start. To be Well Made a development application must meet the following criteria.

GCCC forms

Applicants must ensure that approved Council forms are obtained and completed correctly.

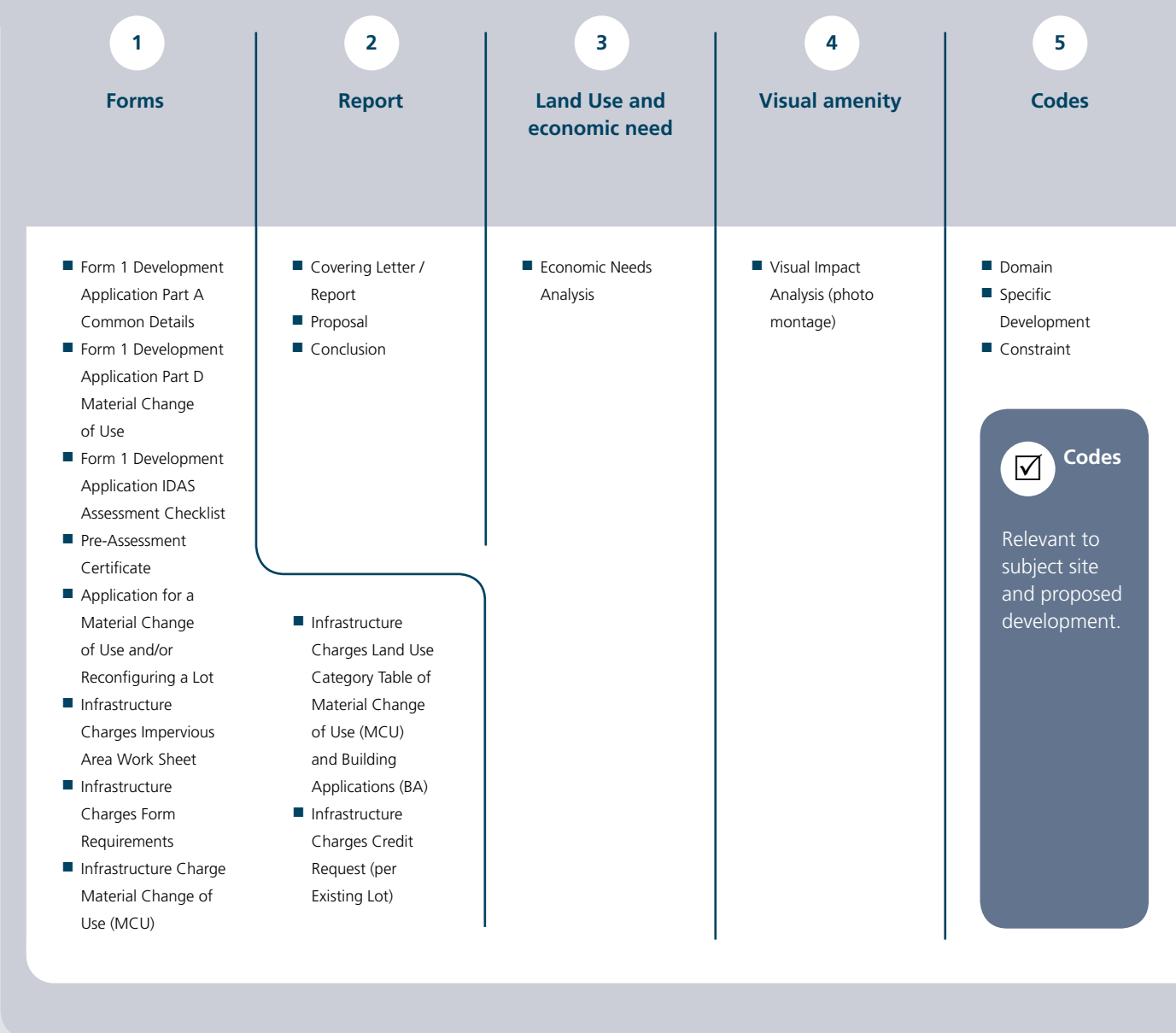
Supporting documentation and plans

Applicants must address and provide each of the documents and plans listed on the following pages. Where a development is not subject to the requirements of one of these documents, then the applicant must provide evidence that the document is not relevant.

Material Change of Use forms, reports and plans

! Applicants should note
 Applicants must address and provide each of the documents listed in the sections below. Where a development is not subject to the requirements of one of these documents, then the applicant must provide evidence that the document is not relevant.

Application order — please compile your applications in the following order.





Hardcopies

Three (3) complete hardcopies plus additional two (2) hardcopies of plans must be submitted for each Material Change of Use application. Each hardcopy of the application must be compiled in the order listed below and each section must be separated by a divider that clearly states the number and name of the section as detailed in the application order table below.

Development applications must be submitted in hardcopy and electronic format.



Electronic format

All documents, including scanned copies of Pre-Assessment Certificate, signed IPA and GCCC forms, must be submitted on one disk. The disk must include one PDF document for each of sections 1 to 10. Each section should be named as defined below. Within each of these PDF documents all sub-sections must be bookmarked. Applicants who do not provide an electronic copy of their application at the time of lodgement may be charged the prescribed fee for converting hardcopy to electronic format.

6

Hydraulic, water quality & geotechnical engineering

- Flood Search Report
- Hydraulics Report
- Stormwater Management Plan
- Geotechnical Report
- Dewatering Management Plan
- Lake Management Study
- Waterway Study
- Water Quality Management Plan
- Any other relevant hydraulic and water quality documents

7

Environmental, open space and landscaping

- Statement of Landscape Intent¹
- Bushfire Management Plan
- Vegetation Management Plan
- Ecological Assessment
- Open Space Management Statement
- Arborist Reports
- Photographs identifying all trees on the site
- Effluent Disposal Areas
- Acid Sulphate Soils Investigation and Management Plan
- Any other relevant environmental, open space or landscaping documents

8

Transport and traffic

- Road Traffic Assessment Report
- Confirmation of pre-lodgement or discussions with Main Roads if the proposal is within 100 metres of a main road
- Any other relevant transport and traffic documents

9

Environmental health

- Acoustic Report²
- Odour / Dust Management Plan³
- Waste Management⁴

10

Plans and drawings⁶

- Architectural Floor Plans (Internal Layout Plans) - provided for entire development including each floor
- Site Plan⁵
- Site Analysis Plan in accordance with Planning Scheme Policy 17 for Site Analysis preferably to be drawn in plan format
- Other drawings relevant to development including photo montage and colour perspectives

Footnotes

1 Refer to Landscape Works Specific Development Code – Sections 2.1 and 6.1.1 and refer to Gold Coast City Landscape Strategy Part 2 Landscape Works Documentation Manual Section B 3.0

2 An acoustic report is required when:

- road noise impacts onto a noise sensitive area
- road noise from a local road (10,000 VPD) or from a state controlled road whereby the local/state controlled road is NOT directly adjacent but is within 100 metres to the proposed noise sensitive development
- road noise from a state controlled road or local road (10,000 VPD) is directly adjacent to the noise sensitive development

Railway noise

Applies to noise sensitive development within 100 metres of a rail corridor.

Commercial / Industrial Operational Noise

Applies to commercial/industrial development adjacent to existing/proposed noise sensitive developments.

3 Odour / Dust Management Plan

Applies to residential development in proximity to industry/commercial activities which release airborne contaminants. e.g. asphalt manufacturing plants, marine and or waterfront industries, bulk landscape supplies, service stations.

4 Waste Management

Applies to commercial, industrial, residential development and must have practical, user and environmentally friendly solid waste management storage and collection design. Reference should be made to the *Environmental Protection (Waste Management) Regulation 2000* and the “Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast” dated January 1995, 1st Edition, to address the minimum requirements for refuse facilities and information on refuse vehicle access, egress and manoeuvring.

5 Site Plan should include:

- finished floor levels of all buildings proposed
- natural ground levels
- north point and scale
- boundaries of the site to which the application relates
- car parking layout drawn in accordance with Planning Scheme Part 7 – Codes, Division 3 – Constraint Codes, Chapter 4 – Car Parking, Access and Transport Integration
- location of bin storage areas
- existing building footprints including:
 - number of dwellings
 - number of bedrooms
 - total use area (commercial)
- total site coverage / gross floor area calculations
- proposed building footprints for new building work including total use area for commercial sites
- location of ingress and egress points
- correct location and scale of all trees on the site
- location of all proposed retaining walls and their heights
- location of all easements including stormwater, sewer and access

6 All plans submitted to Council should be in accordance with the following:

- be numbered, dated, contain a north point
- be drawn to a metric scale appropriate to the development (preferred 1:10, 1:50, 1:100, 1:200 or 1:500)
- be produced on a standard A1, A2, A3, or A4 sheet
- all copies of plans to be to the exact scale as the original

Pre-assessment

Pre-assessment is a free service which helps applicants lodge quality development applications. Applicants should provide their completed proposals for a pre-assessment check before lodgement with Council. This pre-assessment includes a check of the proposal against IPA Properly Made and Council's Well Made requirements but it is not an assessment of the proposal. As such, it does not guarantee a specific outcome for the development application (i.e. further requests for information may be made during the assessment of the application).

Applicants must either:

- leave one hardcopy and one electronic copy of their proposal at the Town Planning Centre, Nerang Administration Centre
- mail one hardcopy and one electronic copy of their proposal to Council
- phone Council's planning assessment enquiry line on (07) 5582 8866 and select the option to book a pre-assessment interview

Pre-assessment checks will be completed within two (2) business days of receipt of the proposal and the applicant will be issued with a pre-assessment certificate or pre-assessment notice.

Pre-assessment certificates are issued to the applicant when a proposal is deemed to have met all IPA Properly Made and Council's Well Made requirements. This certificate includes a schedule of fees and charges specific to the proposal, giving the applicant an indication only of the fees to be paid at the time of lodgement. This pre-assessment certificate must be lodged, with the application, within four weeks of the date of issue of the certificate, or a further pre-assessment will be required.

Pre-assessment notices are issued to applicants if a proposal has not met one or more of IPA's Properly Made requirements and/or Council's Well Made requirements. The notice will detail which requirement needs to be addressed. Once the requirement has been amended, the applicant must re-submit the proposal for a further pre-assessment. If all requirements are met a pre-assessment certificate can be issued.

Proposals submitted in hardcopy should be accompanied by a reply-paid postage pack so the proposal can be returned. If a reply-paid postage pack is not included with the proposal, the proposal documents will be destroyed.

Referral agencies

Council strongly advises applicants to seek a pre-lodgement meeting or discussions with relevant referral agencies before lodging an application. Notes of these discussions should be included with the application.

Further assistance

Gold Coast City Council

The Town Planning Centre at the Nerang Administration Centre has a call centre and public enquiries counter. This counter provides advice on general town planning matters, interpretation of the provisions of the Planning Scheme and assistance with determining the level of assessment required for any town planning-related development applications. Staff at the Town Planning Centre can be contacted by telephone on (07) 5582 8708.

Pre-lodgement meeting – The main purpose of a pre-lodgement meeting is to facilitate informal discussions between the applicant and Council prior to lodgement of a formal development application. Such discussion is limited to the provisions of the Planning Scheme and does not guarantee the applicant a specific outcome for the development. Pre-lodgement meetings are limited to one hour. There is no scheduled fee for a pre-lodgement meeting, but a 'pre-lodgement meeting request' form must be completed and lodged along with documentation, including scaled drawings, as per the details on the request form.

External planning consultants

If you are unsure if your application is properly-completed, you should get professional advice from an appropriately qualified person. Planning consultants are listed in the yellow pages under Town and Regional Planning.

Contact us

Lodging development applications

Material Change of Use, Reconfiguring a Lot and Operational Works development applications may be lodged via mail or in person at any one of the following:

Administration Centres

Open Monday to Friday 8am to 5pm

Surfers Paradise

135 Bundall Road
Bundall
Queensland 4217

Nerang

833 Nerang-Southport Road
Nerang
Queensland 4211

Customer Service Centres

Open Monday to Friday 8:15am to 4:30pm

Burleigh Heads

Park Avenue
Burleigh Heads
Queensland 4220

Coolangatta

level 3, Showcase on the Beach
Griffith Street
Coolangatta, Queensland 4225
(Closed 1pm to 1:45pm)

Palm Beach

26/11th Avenue
Palm Beach
Queensland 4221
(Closed 12noon to 12:45pm)

Beenleigh

12 James Street
Beenleigh
Queensland 4207

RiskSmart development applications can only be lodged in person at the Nerang Administration Centre.

Visiting Council's Town Planning Centre

Open Monday to Friday 9am to 1:15pm and 2pm to 4pm
Closed second and fourth Thursday of each month between 9am and 10:30am
Nerang Administration Centre

Mail

Gold Coast City Council

PO Box 5042 Gold Coast MC Qld 9729 Australia

Gold Coast City Council

PO Box 5042 Gold Coast MC Qld 9729 Australia

Email: gcccmil@goldcoast.qld.gov.au

Web: goldcoastcity.com.au